

PTO/SB/01 (6-95) (modified)
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#3

0010/PTO
Rev. 6/95

U.S. Department of Commerce
Patent and Trademark Office

**COMBINED DECLARATION (37 CFR
1.63) AND POWER OF ATTORNEY
FOR UTILITY OR DESIGN
PATENT APPLICATION**

☐ Declaration Submitted with Initial Filing OR ☒ Declaration Submitted after Initial Filing

Attorney Docket Number **20852-05135**

First Named Inventor **Tian Shen**

COMPLETE IF KNOWN

Application Number **09/851,593**

Filing Date **May 8, 2001**

Group Art Unit **2633**

Examiner Name **Not yet known**

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

VARIABLE RATE HIGH-SPEED INPUT AND OUTPUT IN OPTICAL COMMUNICATION NETWORKS

the specification of which (Title of the Invention)

☐ is attached hereto

OR

☒ was filed on **(05/08/2001)** as United States Application Number or PCT International

Application Number **09/851,593** and was amended on (MM/DD/YYYY) [] (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations. § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority		Certified Copy Attached?	
			Not Claimed		YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

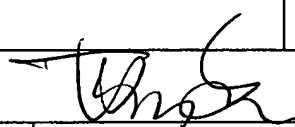
☐ Additional foreign application numbers are listed on a supplemental priority sheet attached hereto:

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

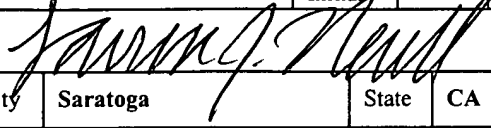
Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental sheet attached hereto.
60/211,819	06/15/2000	

DECLARATION			Page 2
I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.			
U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
09/571,349	05/16/2000		
09/405,367	09/24/1999		
<input type="checkbox"/> Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.			

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:			
Name	Registration Number	Name	Registration Number
Greg T. Sueoka	33,800	Eileen A. Lehmann Michael W. Farn	39,272 41,015
<input type="checkbox"/> Additional attorney(s) and/or agent(s) named on a supplemental sheet attached hereto.			
Please direct all correspondence to:			
<p style="text-align: center;">Eileen A. Lehmann Fenwick & West LLP Two Palo Alto Square Palo Alto, CA 94306 U.S.A.</p>			
Telephone	(650) 858-7246	Fax	(650) 494-1417

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.							
Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name	Tian	Middle Initial		Family Name	Shen	Suffix	
Inventor's Signature					Date	09/25/2001	
Residence: City	Cupertino	State	CA	Country	U.S.A	Citizenship	China USA TS
Mailing Address	10205 Vicksburg Drive						
Mailing Address							
City	Cupertino	State	CA	Zip	95014	Country	U.S.A.
<input checked="" type="checkbox"/> Additional inventors are being named on supplemental sheet(s) attached hereto							

DECLARATION					ADDITIONAL INVENTOR(S) Supplemental Sheet				
Name of Additional Joint Inventor, if any:					<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name	Robert	Middle Initial	B.	Family Name	Clarke	Suffix	Jr.		
Inventor's Signature	<i>Robert B. Clarke</i>				Date	Sept 26, 2001			
Residence: City	Santa Clara	State	CA	Country	U.S.A	Citizenship	U.S.A.		
Mailing Address	2910 Jerald Avenue								
Mailing Address									
City	Santa Clara	State	CA	Zip	95051	Country	U.S.A.		
Name of Additional Joint Inventor, if any:					<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name	Thomas	Middle Initial	J.	Family Name	Roman	Suffix			
Inventor's Signature	<i>Thomas Roman</i>				Date	Oct 2, 2001			
Residence: City	Fremont	State	CA	Country	U.S.A	Citizenship	U.S.A.		
Mailing Address	250 Aleut Court								
Mailing Address									
City	Fremont	State	CA	Zip	94539	Country	U.S.A.		
Name of Additional Joint Inventor, if any:					<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name	David	Middle Initial	B.	Family Name	Upham	Suffix			
Inventor's Signature	<i>David B. Upham</i>				Date	9/25/01			
Residence: City	Sunnyvale	State	CA	Country	U.S.A	Citizenship	USA		
Mailing Address	1660 Kamsack Drive								
Mailing Address									
City	Sunnyvale	State	CA	Zip	94087	Country	U.S.A.		
Name of Additional Joint Inventor, if any:					<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name	David	Middle Initial	A.	Family Name	Pechner	Suffix			
Inventor's Signature	<i>David A. Pechner</i>				Date	10-2-01			
Residence: City	San Jose	State	CA	Country	U.S.A	Citizenship	USA		
Mailing Address	5981 Vista Loop								
Mailing Address									
City	San Jose	State	CA	Zip	95124	Country	U.S.A		
<input checked="" type="checkbox"/> Additional inventors are being named on supplemental sheet(s) attached hereto									

DECLARATION					ADDITIONAL INVENTOR(S) Supplemental Sheet				
Name of Additional Joint Inventor, if any:					<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name	Laurence		Middle Initial	J.	Family Name	Newell		Suffix	Jr.
Inventor's Signature						Date	10/3/01		
Residence: City	Saratoga		State	CA	Country	U.S.A.		Citizenship	U.S.A.
Mailing Address	13890 River Ranch Circle								
Mailing Address									
City	Saratoga		State	CA	Zip	95020		Country	U.S.A.
Name of Additional Joint Inventor, if any:					<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name			Middle Initial		Family Name			Suffix	
Inventor's Signature						Date			
Residence: City			State		Country			Citizenship	
Mailing Address									
Mailing Address									
City			State		Zip			Country	
Name of Additional Joint Inventor, if any:					<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name			Middle Initial		Family Name			Suffix	
Inventor's Signature						Date			
Residence: City			State		Country			Citizenship	
Mailing Address									
Mailing Address									
City			State		Zip			Country	
Name of Additional Joint Inventor, if any:					<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name			Middle Initial		Family Name			Suffix	
Inventor's Signature						Date			
Residence: City			State		Country			Citizenship	
Mailing Address									
Mailing Address									
City			State		Zip			Country	
<input type="checkbox"/> Additional inventors are being named on supplemental sheet(s) attached hereto									